

SPEECH

22

OF

HON. HARRY HIBBARD, OF N. HAMP.,

UPON THE

NEW HAMPSHIRE CONTESTED ELECTION.

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, THURSDAY, JAN. 9, 1851.

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HON HARRY BURMAN OF NEWARK

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1911

IN THE HOUSE OF REPRESENTATIVES

NEW HAMPSHIRE CONTESTED ELECTION.

The House having under consideration the report of the Committee of Elections on the contested election from the Third District of New Hampshire—

Mr. HIBBARD rose and said:

Mr. SPEAKER: If I consulted my own inclination, I should be silent on this occasion, for I am aware that any extended remarks from me, at this stage of the debate will involve the danger of a trespass upon the time and patience of the House. But the importance of the principle at issue, and the course the discussion has taken in certain particulars, seem to require a few suggestions from me, as one of the Representatives of New Hampshire on this floor.

This, sir, is a question of legal right, depending upon facts not in dispute. These facts are, I believe, substantially set forth in the memorial of the contestant. The State of New Hampshire was divided by her Legislature into four districts for the choice of Representatives in Congress, in June, 1846. General Peaslee was afterwards, in March, 1849, elected Representative from district number Two, and General Wilson from district number Three. In June, 1850, the Legislature altered the districting of the State, in several respects; among other changes, setting four townships from district number Two to district number Three. In September, 1850, General Wilson resigned his seat. A new election was thereupon ordered in district number Three, to fill the vacancy occasioned by the resignation of General Wilson. The Governor issued his warrants to the several towns and places composing the district according to the act of June, 1850, including said four towns. An election was had, the people of these said four towns participating therein, and Mr. Morrison, the sitting member, having a majority of all the votes, was returned as chosen. If the votes of the four towns in question were thrown out, Mr. Perkins, the contestant, would have a majority.

Upon these facts, Mr. Speaker, it is alleged by the contestant that the Governor did wrong in issuing his precepts to these four towns, because, it is said that their people were already represented in the person of General Peaslee; and it is complained that if the sitting member holds his seat, those people will have two Representatives on this

floor. This is the only grievance alleged by the memorialist, and such is the reason of the wrong.

I propose to follow the allegations of the memorial, and to consider, first, whether the Governor did wrong in issuing his precepts to the people of these towns; in other words, were their people entitled to vote in that election?

It is by law made the duty of the Governor, in such case, to issue his warrants to the towns and places composing the district by which the choice is to be made. The several districts are the creatures of State legislation. Their establishment and limits depend wholly upon the action of the Legislature. The Governor issued his warrants to the district as it then existed, with the limits and constituency which the competent authority had given to it. He could not have directed them to the district as it had formerly been bounded, because those boundaries had been changed. District number Three, with its ancient limits, did not then exist. The law of June previous, severing certain townships from the Second district, and annexing them to the Third, had already gone into effect. The former law, so far as it conflicted with the provisions of the last statute, had been expressly repealed. To have attempted to recognize any other limits of the district than those known to the law, would have been not only without the sanction of the State statute, but in direct violation of it. It would have been absurd. The minority report, and the advocates of the contestant's claim, take the ground that the new statute did not go into operation so as to take effect upon this special election, and was not so intended. They contend that its effect was held in reserve until the members of the next Congress should be chosen. This is totally irreconcilable with the specific provision of the statute in question, that it should take effect immediately, as well as with the other clause repealing all parts of the former districting laws inconsistent with its own provisions. Had the Legislature designed to continue the former law in force, so that any accruing vacancy should have been filled by the district in its original form, as it was doubtless competent for them to have done, they would have added a saving clause to that effect. This is the usual and

legitimate mode of effecting such results. Their failure to insert such a clause, clearly indicates that they had no such intention. Moreover, there is a general provision in the statutes of that State in force when this law was passed, and for several years previous, to the effect that no law enacted at any June session shall take effect until the fifteenth day of the following September, unless a different is expressly appointed. The provision that the law should take effect forthwith; in connection with this circumstance, manifests the purpose of the Legislature beyond all doubt. The speculations as to whether the Legislature anticipated General Wilson's resignation, I regard as entirely immaterial. The question is as to their act, and its effect upon this election.

The substantial matter of the contestant's charge, Mr. Speaker—the complaint that the people of these four towns will have a double representation if the sitting member holds his seat, arises, I apprehend, from a misapprehension of the true theory of the system of constitutional representation. Every member of the House is, in the eye of the Constitution, a representative of the people of his whole State, not of a single district. The Constitution regards the people of these four towns as no more represented by the delegate from one district than from another. They, in common with all the other citizens of the State, have as many representatives as there are delegates from the whole State. The dividing of States into districts is simply a mode of prescribing how the representatives shall be chosen. It does not affect the legal results of their election, nor alter their legal relations to the people of the State.

The Constitution of the United States says that “the House of Representatives shall be chosen every second year by the people of the several States.” In fixing the number of members to which each State should be entitled until another enumeration, it originally provided that “New Hampshire should be entitled to choose three, Massachusetts four,” and the other States in a like ratio.

In the debates of the Convention which framed the Constitution, the representatives are everywhere spoken of as “the representatives of the States,” or “of the people of the States.”

It was strenuously contended by many in that Convention, that the Representatives should be chosen like the Senators, “by the Legislatures of the several States.” This method was advocated, among others, by Roger Sherman, of Connecticut, and Elbridge Gerry, of Massachusetts. But that proposition was overruled, and it was agreed, as it now stands, that they should be chosen “by the people of the States.” Nothing was said about districts, nor the representatives of districts in that Convention, nor in the great instrument of Government which they put forth for the adoption of the country. Under these constitutional provisions, it has been held competent for the several States, through their Legislatures, to “sever this joint tenancy of political power into a several tenancy,” as has been aptly said by the gentleman from South Carolina, [Mr. WOODWARD,] and to provide that the people shall separate into distinct parcels, for the choice of the number of representatives to which the State is entitled, at such times and places, and in such manner as the States shall determine, not in contravention of any paramount

law of Congress upon the subject. But all this neither makes nor can make any change in the constitutional nature of such representation, nor in the legal effect of such elections.

The State law of 1846, already referred to, divides the State into districts “for the choice of Representatives of this State in the Congress of the United States.” It does not speak of representatives of any particular districts of the State. It does not even say a representative from, but a representative of the State.

Warrants for the meetings for election purposes in New Hampshire, and, so far as I know, in other States, call on the people to cast their votes “for a Representative of this State in the Congress of the United States.” Nothing is said, in legal language, about the representation of districts. They are always termed, as they are in fact, Representatives of the State.

In accordance with this idea, members of this House, I believe, in all the States, were originally chosen by general ticket. Some States continued that method later than others—some until a very recent period. In some States, while the election was by general ticket, candidates were nominated by conventions holden for districts with limits agreed upon for purposes of nomination merely. Such had been the usage in New Hampshire.

It is true, that now, when Representatives from all the States are chosen by districts, familiarity with that mode of proceeding and with its practical consequences may lead us to forget its real nature. Members are in the habit of speaking of the districts by which they are chosen, as their peculiar precincts, and to act for them accordingly. But this division, as before remarked, has legal existence and legal effect only for the purpose of making the choice. Beyond this, though highly convenient and beneficial in practice, it is merely conventional—a matter of consent and agreement for purposes of practical accommodation. For these conventional purposes these towns in question did in fact wholly or in the main cease to be represented by Mr. Peaslee as soon as the law of June, 1850, took effect, and were represented and acted for by Mr. Wilson until he resigned his seat; as is stated in the report of the committee.

If this view be the true one, Mr. Speaker—and I suppose it to be entirely clear as a legal question, however regarded and treated in practice—the great and leading objection, that the people of those towns have a double delegation, falls to the ground. It is, at the best, immaterial. The vacancy occasioned by Mr. Wilson's resignation was in no one district more than another. It was a vacancy in the delegation from the whole State. No one portion of the people of New Hampshire were more interested in its legal consequences than another. It was filled in the manner prescribed by the Legislature, acting, as I conceive, in the exercise of their appropriate powers—that was, by the votes of the inhabitants of the same towns and places which originally elected Mr. Wilson, with the addition of the townships of Bow, Hopkinton, Henniker, and Dunbarton.

It is also objected that these people, having participated in election of Representatives before the set-off, and also in the choice of the successor of Mr. Wilson afterwards, voted twice for members of the same Congress. This, in fact, is true. But if they were legal voters by the laws of the State

on both these occasions, at the times and in the places where they so voted, can it make any difference here? Has this House any suspicions of such a matter? Each State prescribes the qualifications of its own voters, except so far as controlled by the United States naturalization laws. No one, I apprehend, will dispute their competency to do this. In some States one period of residence is required, in some another. In some, one year; in some, six months; in some, three. That these persons were voters by the laws of New Hampshire, on both these occasions, at the times and in the places where they did vote, cannot be denied. We can inquire no further in regard to this point if the State had power to make such laws. Whether these laws were wise or unwise, reasonable or unreasonable, in our opinion; whether or not they are such as we would have enacted had we been members of that legislative body, is immaterial to the present issue. The arguments adduced by the other side are chiefly such as might, with much more propriety, have been made before the New Hampshire Legislature against the passage of the law under consideration. I speak of their competency—not their sufficiency. But they are out of place here.

If the fact that these people voted twice was a cause of complaint, it would have been no less a grievance had they all, after having voted in the Congressional election in the Second district in March, 1849, removed to the Third district, acquired and exercised the right of again voting there at the special election which resulted in the return of Mr. Morrison. This they would have had the right to do by the law of the State, if they came into the townships of their new residence with the intention of residing and did reside there three months before election day. The same thing did, without doubt, occur in many instances, on that very occasion. Will any one say that such votes were not to be received? Will any one contend that an election depending on such votes was for that reason invalid? Surely, "no man whose opinion is worth anything" will take that ground. Instances of the kind are constantly occurring in cases of removal from one State to another, from one town to another. They have often happened in presidential elections when the votes were, as formerly, cast in different States upon different days. Such things will always happen, as they always have done, under any system of laws regulating the qualifications of voters that human wisdom can devise. Such irregularities, when multiplied, become abuses. It may be desirable that they should be corrected. But we should not forget the proper remedy. It is solely with the States, except so far as they are controlled by the Constitution or the constitutional legislation of Congress. Within those limits we must repeal State enactments. We have no right to override or attempt to evade them.

The House must decide cases of contested elections or judicial questions, upon legal principles, according to the provisions of law. The Constitution makes each House judge of the election of its own members. We are to decide as judges, according to law; not arbitrarily, according to political prejudice, or the caprice of the moment. We have no arbitrary power in these matters. We do not, like the British Parliament, in questions affecting their privileges as members, hold the law in our own breasts. Power absolute is, happily,

a thing unknown to our system of government—a system where the rulers are servants of the governed, exercising the functions pertaining to their offices in obedience to the laws which their sovereigns have ordained.

We are to act in these matters as a court; and although there is no appeal from our judgments, we are amenable to our own consciences and to the public sentiment of the country. The doctrine assumed by the minority report—which seems to be indorsed by some of the advocates of the contestant on the floor—that it is competent for the House, in determining questions of elections, to go behind State laws and disregard them according to our own notions of their impropriety or inexpediency, is one I was not prepared to hear advanced from any quarter. It can never be sanctioned here. Establish a principle like this, Mr. Speaker, and your House becomes an all-absorbing and irresponsible power in the State, because self-electing and self-perpetuating. It is a principle abhorrent to the will of the people, in defiance of the terms and subversive of the spirit of the Constitution. The power sometimes exercised by English monarchs of controlling majorities in one of the Houses of Parliament by additions of new Peers created by him for that very purpose, though akin to this, was never half so dangerous nor half so odious. It had, at least, the color of constitutional right. This mode of proceeding would have no such apology.

Sir, the election of the sitting member was, beyond all doubt, in strict accordance with the terms and intent of the law of New Hampshire. If that law was constitutional—if the Legislature had power to enact it, then the election is valid, and must stand.

Here, then, Mr. Speaker, is the great question in this case, upon which our decision must turn: Had the Legislature of New Hampshire power to pass the act of June, 1850? Could they separate these four towns from district number Two and make them a part of district number Three, to all intents and for all purposes from that time forth? That they undertook to do this is certain—that they did it in form is equally sure. Their act must have effect, unless there be something in the Constitution or laws of the United States to override it.

All that is to be found in the Constitution touching the question of this power, is the provision in the fifth section of the first article, that—

"The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the place of choosing Senators."

Here, sir, is no abridgment of the legislative capacity in this respect—no prohibition of the exercise of the power in question. On the contrary, were I searching for authority to pass this very act, I should suppose I had found it here, in terms plain and explicit. There are no limitations, no qualifications, except as to the controlling authority of Congress. The language is general, broad, and clear. I have never supposed, Mr. Speaker, that the States possessed this right solely from the constitutional grant. I regard it as one of those necessary powers which are inherent in the States, in the absence of any provision of the Constitution to the contrary. Had the Federal compact

been silent upon the subject, the States must, from the necessity of the case, have possessed power to regulate the time, the place, and the manner of holding elections for all officers provided for by law, both State and national. It does not, certainly, weaken their capacity, that the Constitution has superadded a provision in terms conferring the power. There is nothing else in the Constitution which, as I am aware, is supposed to bear upon this matter—nothing which restricts or qualifies the power thus recognized.

Is there anything in the legislation of Congress which has that effect?

I do not deem it necessary to consider the question which has been discussed in this debate, whether, under the clause of the Constitution already cited, Congress had power by its own act to have laid the State off into districts for the choice of Representatives. That question does not arise here, because Congress has assumed to do no such thing. Congress, by its law of June, 1842, did enact that the choice of Representatives should be by districts, and in effect, though not in terms, it did assume to provide that the States should lay themselves off into districts accordingly. Doubts have existed as to the power of Congress to make this enactment—to compel a State, by a mandatory law, to do this or any other act of legislation. If Congress had the power to district the States, it should have done it directly by its own act, not indirectly by mandamus to the State authorities. I have always believed that these doubts were well grounded—that Congress had no such power. It would be a most dangerous assumption in practice. Several States were of the same opinion, and declined for a time to comply with this requisition. Members from several States elected by general ticket after the passage of the law of 1842, in disregard of its provisions, were admitted to seats in the House, after full discussion, by very decided majorities. The President in his message communicating his approval of the bill containing this enactment, expressed the opinion that it was to be taken as merely recommendatory, and not binding upon the States: that in no other sense could he deem it a constitutional measure. It should be borne in mind that this provision was inserted in the bill for a new apportionment of Representatives, following upon the then recent census—a bill the passage of which was perhaps indispensable to the continued operations of the Government.

This, I believe, is the true history of that matter. It is also true, as set forth in the minority report, and by the gentleman from Kentucky, [Mr. THOMPSON,] that New Hampshire was, for a time, one of the dissenting States. She continued to dissent until ten members, chosen by general ticket, were admitted to seats and the obnoxious requirement waived. But all this matter of the mandatory provision of the act of 1842, and the refusal of New Hampshire to comply with it, have nothing to do with the case before us. I have referred to it, only to show that it is irrelevant, and because gentlemen on the other side have thought proper, for some purpose, to introduce it. I will, however, take occasion to add, as the action of the State in this behalf has been impeached, that, in my humble judgment, the position of New Hampshire and the States with which she was associated, (Georgia, Mississippi, and Missouri,)

in opposition to this unjustifiable act, passed by an unscrupulous majority of a partisan Congress, was a noble and salutary position, for which they are entitled to the thanks of the friends of State rights and constitutional legislation throughout the land.

No such question arises here, because New Hampshire has now districted herself for the choice of Representatives, in conformity with this very law, though not in consequence of it. There is no other Congressional enactment bearing upon the matter. None certainly, tending to interdict the power which our Legislature undertook to exercise. Not only has no act of Congress been contravened, but all has been complied with. The State Legislature has been acting strictly within the scope of its power, in a matter over which its jurisdiction, though not exclusive, is unobstructed and final. The question is not one of constitutional right, but of expediency simply. The act is one which we have not the right, if we had the disposition, to overhaul. If I may be permitted to say it, it seems to me an error quite frequently made on this floor, to convert or attempt to convert simple considerations of expediency, into constitutional difficulties. To be sure, a tendency of this kind may result from regard to a school of doctrine, of which no one can think higher than I do—I mean that of a strict construction of the Constitution and of the powers of the Federal Government under it. But the scruples of the true strict constructionists run in a counter direction to the positions here assumed. I regret that I cannot recognize the gentlemen who take the objection in this instance, as disciples of that school. The right kind of strict construction is that which would guard against all unwarranted or questionable assumptions on the part of the Central Government, protecting vigilantly the reserved rights of the States and of the people. The principle now sought to be enforced is of another character. It would cripple the powers of the State—strike down its acts and set at naught the will of the people, as expressed under these acts, because they are not in accordance with the notions of propriety and political ethics just now entertained by some gentlemen on this floor. Sir, a precedent fraught with more danger to the great principle of State rights, in accordance with which alone, our Government can be successfully administered, could not well be established.

The ingenuity of gentlemen has been taxed to imagine instances in which such a law as that of June, 1850, might operate injuriously. It is supposed that if the power to pass this act be admitted, the State might have so constituted district number Three as to have entirely changed its limits and destroyed its identity, so that the Governor could not have known to what territory to have issued his warrants for the filling of the vacancy. Now, sir, if such metaphysical refinements present any real difficulties, we are not called upon to meet them here. It is enough to make answer to the matter which is before us. Sufficient for the day is the evil thereof. In this case no such obliterating alteration has been made. District number Three, under the law of 1850, is the same in name as under the law of 1846; and substantially the same in territory. All the difference is, that four townships, each about four square miles in extent, have been added. It is the same district in fact. There

no trouble about its identity. If an addition, comparatively inconsiderable, is made to a township or a county, does it not remain the same township, the same county? Is it not the same in regard to the right of voting, as in regard to every other right and incident? When an addition is made to one of the States by conquest, settlement of disputed boundary—as in the case of Maine and Texas, or by other mode of acquisition—does it not remain the same State? If an election were now to be held in Texas, does anybody suppose that the people of that part of the State which was once deemed to be a part of New Mexico, and was actually under the civil jurisdiction existing there, would not be entitled to vote in such election, if they should have been residents in Texas during the time required by the State law to make them voters; in whatever similar elections they might recently have participated in New Mexico?

Before the State law of June, 1846, which first provided that the Representative should reside in the district by which he was chosen, it was legally competent for the whole delegation from New Hampshire to have been chosen from one district, one county, or from one town, had the Legislature so directed. Or, the Legislature might have provided that the people of one district should choose all the members to which the State was entitled. The fact that such modes of proceeding would have been unreasonable, inconvenient, and unsatisfactory, would have afforded to this House no valid reason for refusing seats to members so chosen. It is enough for us, if the State authorities have prescribed those methods, and the people have acquiesced and acted under them—provided they are not inconsistent with the Constitution and laws of the United States. The doctrine of the *reductio ad absurdum*, as my learned colleague [Mr. Tuck] has it—the idea that because it is possible that an absurd or unreasonable thing may happen under a law, no such law ought to or can constitutionally be enacted, and if enacted may be disregarded, is itself an absurdity, which to be seen, needs but to be stated. No legal or moral principle was ever promulgated,—no law was ever passed, however beneficial in the main, under which instances of injurious effect may not be imagined, and must not, in fact, occur. Such instances do not necessarily affect at all the general nature of the principle. They do not, as a matter of course, impugn the expediency of the law, nor the power of the Legislature to enact it. They are often exceptions which confirm, instead of disproving, the rule. As well may it be said, because innocent men may and have been hung under the operation of laws against murder, that no such laws ought to or can be passed. Such a doctrine would annihilate all laws and upset all institutions ever devised by the wisdom of fallible man.

Gentlemen on the other side have spoken of the conduct and motives of the State Legislature which passed the districting act of June, 1850. My colleague, [Mr. Tuck,] in an especial manner has indulged in labored strictures upon the Democrats of New Hampshire generally, and upon those persons who passed this law in particular.

Now, Mr. Speaker, with regard to all this matter, I may be mistaken, but it strikes me that its introduction was, to say the least, in bad taste upon this occasion. It has nothing to do here. It can have no effect favorable to the side advo-

cated by the gentleman, and needs no answer. The motives of the Legislature—their purposes in reference to the political bearing of their act, have nothing at all to do with the matter before the House; the House has nothing to do with them.

Though I cannot think that my colleague would pay himself and the House the poor compliment of making such allusions for the purpose of exciting partisan prejudices and carrying the question upon party grounds, yet his remarks have too much that appearance. It remains to be seen whether they will have that effect. I suppose they will not. I believe that this question will be decided with a view to its legal merits; for it is a legal question purely. Our proceedings ought to have, at least, the seeming of propriety—of regard to the considerations which, all will agree, ought alone to govern our action.

I know, Mr. Speaker, that politicians, in pursuit of party ascendancy and personal promotion, sometimes do strange things, things which will hardly bear the light of a rigid scrutiny, or stand before the glance of a very virtuous indignation. I know that strange combinations have been formed by which political minorities in some of the States have allied themselves with factions that promulgated doctrines and urged measures, at war, not only with the peace and harmony of the country, but destructive, in my judgment, of the continued existence of our civil institutions. I know, too, that, owing to encouragement, afforded by some instances of past success, attempts are being made, in different parts of the land, to repeat these experiments.

For myself, I am, and always have been, hostile to these movements. I have opposed them on all proper occasions. I regard them as productive of consequences deeply injurious to the country, especially at a time like the present, and disreputable to all concerned in their concoction. I wish them no manner of success, no matter what party is engaged in them—whether the actors call themselves Whigs or Democrats. If defeat does not overtake them now, universal reprobation and political infamy surely await them and their authors in the not far distant future.

But I have been slow to believe that considerations of this nature could determine the legal question of a member's right to his seat in this House. They are matters for the hustings, not for the judicial forum. They might properly be adduced at the polls, as furnishing reasons why certain candidates should not be elected. I should not deem it proper to introduce them here, even if I was aware that the contemplated result of the present contest was to give success to a manoeuvre of the same kind with those to which I have just referred.

To all that has been said about the motives of the New Hampshire Legislature in passing this act, Mr. Speaker, I might well demur as immaterial. If their action was unfair, it was their matter, not ours. But it was not unfair. At all proper times and places I am prepared to maintain the justice and propriety of that legislation.

What are the facts? Previous to 1846, as has been stated, Representatives had been elected in that State by general ticket. The Whigs and Abolitionists, acting in concert, and constituting a majority in the Legislature of that year, laid off the State into four districts, for the choice of the

four members to which the State was entitled. The effect of that districting, however intended, was to throw into two districts a Democratic majority in the State of about five thousand. I know nothing of the motives of the majority of that Legislature, care nothing, and make no charge of improper purposes. The effect is alone material, and that was as I have stated. At the following election—in March, 1847—my colleague [Mr. PEASLEE] was chosen in the Second district by about three thousand majority; and my predecessor from the Fourth district [Mr. JOHNSON] by a majority of about two thousand. Mr. WILSON was elected from number Three, and my colleague from number One, [Mr. TUCK,] by small majorities—I think of two or three hundred each. Similar results were exhibited in the Congressional election of 1849. I do not claim to be accurate in stating these majorities. If I err, my colleague can set me right.

Mr. TUCK. I will remark to my colleague that I was elected by a majority of about fourteen hundred. I will ask my colleague whether many Democrats did not vote for the districting law of 1846, and whether, if they had been in power at that time, he supposes they could have districted the State with any more impartiality, or so as to have given any better satisfaction?

Mr. HIBBARD. My colleague is doubtless correct with regard to his majority, having examined this part of the subject, and evidently thinking that it has more bearing upon the subject than I suppose it to have. But I think I was right in regard to the majority for the candidates of the Whigs and Abolitionists in the other districts. I believe, too, that at the last election, my colleague was returned to the House by a greatly-reduced majority. Many Democrats voted for the law of 1846. If they thought it just and equitable at the time, experience showed that they were mistaken. In reply to the question whether the Democrats, had they been in power, could have districted the State more impartially or satisfactorily—I have no doubt they could have divided it in a manner more impartial and more satisfactory to themselves, though probably not more to the satisfaction of my colleague and his friends.

They could have so arranged it that a State with a Democratic majority generally ranging from five to eight thousand for a period of nearly thirty years, should not be equally divided in the political character of its delegation, and its voice neutralized as to all political questions, upon this floor. They could certainly have done this, and the gentleman complains because, in 1850, as he says, they undertook to do it. Now, Mr. Speaker, admitting that act was passed with this very purpose and

none other, was it anything unusual, or unequal, or unfair? If for this the Democrats of New Hampshire are to be condemned, where, when other other acts of like kind are brought up for judgment in the great day of political retribution, will the gentleman's political friends from various States of this Union appear? To that high court let us postpone the further consideration of this matter, so manifestly irrelevant to the issue in hand.

A word more, Mr. Speaker, and I have done. My colleague has traveled so far out of the record as to comment upon the alterations made in other districts. He has informed the House that certain Democratic towns have been annexed to his own district—number One. He has employed some time in earnest speculation as to the way in which the people of those towns may be disposed to cast their votes at the coming election; he has even gone so far as to make remarks indirectly reflecting upon the gentleman recently put in nomination for Congress by the Democratic Convention in that district.

I shall spend no time in replying to such allusions in respect to the State or to individuals. New Hampshire needs no defence at my hands. Her past history is before the country and the world. It will speak for itself. It will tell whether, in any time of trial, of danger, from foreign or domestic foes, she has ever flinched from the post of duty and of peril—whether she has not met each conflict with the foremost in the field, and remained battling with the last. Nor does she need any apology for her present position in reference to the Union, the Constitution and the laws. It is no new position with her. She has occupied it long. Long may she stand there glorious as now, steadfast and firm as her eternal hills! All she asks upon this occasion is, that her constitutional acts shall be respected; that she may be left to arrange matters that pertain to her alone, in her own way.

My colleague will allow me to suggest to him whether, upon reflection, he does not agree with me that his remarks were fitter for the polls than for this Hall? Such a speech should be made, if at all, before the people whose votes are designed to be affected by it. It is not the part of that high-mindedness and generosity which I know my colleague possesses, to assail the candidate of the opposite party, in his absence, on an occasion when such matters are wholly foreign and impertinent. No, sir, let him meet his adversary face to face and make his charges, and I will answer for it, that gentleman will be found to be, as he always has been, ready and able to vindicate his cause and defend himself.